

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MECHELLE ANNA MAJOR,

Defendant.

8:18CR348

ORDER

This matter is before the Court on Mechelle Anna Major's ("Major") pro se "Emergency Motion Requesting Immediate Release under [18] U.S.C. § 3582(c)(1)(A) – Extraordinary & Compelling Reasons" (Filing No. 44). Major, who is incarcerated at FCI Hazelton, contends her documented medical conditions place "her at severe high risk to" COVID-19. She asks for her immediate release or other sentencing relief.

Section 3582(c)(1)(A)(i) authorizes Major to move the Court to "reduce [her] term of imprisonment" for "extraordinary and compelling reasons" thirty days after asking the warden of FCI Hazelton to file such a motion on her behalf. *See also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020). Major states she requested compassionate release on June 25, 2020, which her warden denied on July 21, 2020.

Having carefully reviewed Major's motion, the Court finds she appears to have satisfied one of the statutory prerequisites to judicial review. The Court further finds Major has potentially raised a colorable claim under § 3582(c)(1)(A)(i) and that the appointment of counsel will assist the Court in deciding the merits of Major's request.

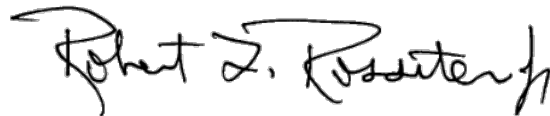
Based on the foregoing,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Major for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce her term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review appointed counsel should conclude that the motion is frivolous, they may move to withdraw as counsel.
4. The government shall respond to Major's motion on or before August 13, 2020. Major's counsel shall promptly file any supplementary briefing or evidence necessary to the Court's disposition of the motion. Absent an extension, Major's motion shall be deemed submitted as of August 20, 2020.
5. The probation office is directed to investigate Major's compassionate-release request and promptly file under seal a report summarizing the results of that investigation.

Dated this 5th day of August 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge